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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,168	02/12/2004	Binh T. Nguyen	IGT1P105/P-901	2167
79646 7590 01/30/2009 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250			EXAMINER HALL, ARTHUR O	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,168	Applicant(s) NGUYEN ET AL.	
	Examiner ARTHUR O. HALL	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/17/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/17/2008 has been acknowledged by the examiner.

Response to Amendment

Examiner acknowledges applicants' arguments and cancellation of claims 54-63 in the Response dated 10/17/2008 directed to the Non-final Office Action dated 7/9/2008. Claims 1-53 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants' arguments directed to the rejection set forth under 35 U.S.C. 103(a) are deemed unpersuasive in light of the evidence disclosed in the Karmarkar (US Patent 7,285,048), Veradej (US Patent Application Publication 2003/0092489), Steelberg et al. (US Patent Application Publication 2003/0139190; hereinafter Steelberg) references cited in the Non-final Office Action dated 7/9/2008, in view of applicants' arguments made in the Response dated 10/17/2008 directed to the Non-final Office Action dated 7/9/2008. Thus, the rejections under 35 U.S.C. 103(a) are not withdrawn. Therefore, Examiner maintains the grounds of rejection under 35 U.S.C. § 103(a) as set forth below.

Claim Rejections - 35 USC § 103

Examiner maintains and incorporates herein the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated

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7/9/2008 because the scope of the pending claims in the Response dated 10/17/2008 is the same as the scope of the claims examined in the Non-final Office Action dated 7/9/2008 and because each of the features of applicants' claimed invention continues to be unpatentable or obvious over the prior art.

Examiner acknowledges that the only modifications made herein are directed to clarification of the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 7/9/2008.

Examiner submits that a remote game system and remote gaming terminal player verification system merely "adapted to/for," which is merely "capable of," executing a process as recited by claims 23 and 37 is intended use language and is not given patentable weight when evaluating the claims because the term "adapted to/for" suggests or makes optional the steps recited, does not limit a claim to a particular structure and does not limit the scope of the claim (See MPEP 2106 II, C. Review the Claims). Therefore, Examiner submits that applicants' claims are interpreted as broadly as reasonably allowed in light of the specification in accordance with *In re Zletz* (See *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 7-14, 19-23, 25, 28-31, 36-37, 41-44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent 7,285,048) in view of Veradej (US Patent Application Publication 2003/0092489). Features are described by figures with reference characters where necessary for clarity.

Regarding claims 23, 25 and 37, Karmarkar teaches

a remote gaming terminal player verification system adapted for accepting wagers and granting monetary awards at a mobile remote gaming terminal (column 5, line 48 to column 6, line 28, Karmarkar), comprises:

at least one computer server, said at least one computer server having a player verification program adapted to verify whether personal information / visual image regarding / of a specific player obtained at a mobile remote gaming terminal is adequate according to one or more acceptable criteria for verifying the identity or eligibility of a player, **or in other words**, verifying that said visual image is adequate according to at least one of said one or more acceptable criteria, wherein said one or more acceptable criteria includes an appropriate age of said player (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53 and Fig. 1, 34, 42, 50, 52, 54, Karmarkar; an accounting server, which is located onsite at the casino, is in electronic communication with a remote off-site portable player station, which is located offsite from the casino, via a wired connection (first mode of communication) and a remote on-site portable player station, which is located onsite from the casino, via a different wired connection (second mode of communication) over the internet via an internet server connected to a communication hub and performs player authentication of biometric information that may be visual images of the player continuously or repeatedly monitored in periodic intervals from a video camera that is integrated in the remote portable player station so as to assess the age of the person as criteria for legally playing games on the remote portable player station);

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one or more electronic gaming devices / an electronic device in communication with said at least one computer server, wherein at least one of said one or more electronic gaming devices / an electronic device is adapted to provide and control one or more gaming events, **or in other words**, to permit the at least one particular gaming event to commence or continue (column 7, line 64 to column 8, line 19, column 9, lines 4-21 and Fig. 1, 34, 42, 46, 50, Karmarkar; the remote on-site player station and the remote off-site player station are in electronic communication with the accounting server via the communication hub connected to the internet server and has a processor configured to control betting, payout and other gaming functions throughout game play); and

a first communication device in communication with said at least one computer server, wherein said first communication device is adapted to provide at least one of said one or more gaming events at said mobile remote gaming terminal via a first mode of communication (column 8, lines 28-54 and Fig. 1, 34, 42, 50, 52, 54, 122, Karmarkar; a remote off-site player station or first communication device included in the remote portable player station is in electronic communication with the accounting server over the internet via the communication hub connected to the internet server and allows to player to play games once the identity and eligibility of the player has been authenticated by means of an internet TCP/IP connection or a first mode of communication).

However, Karmarkar does not appear to teach a second communication device that communicates with a server to provide visual images of the player during or prior to game play via either the first or a second mode of communication as claimed.

Therefore, attention is directed to Veradej, which teaches

a second communication device in communication with said at least one computer server, wherein said second communication device is adapted to obtain personal information / a visual image regarding / of a specific player at said mobile

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remote gaming terminal during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal via a first mode of communication or a second mode of communication, said second mode of communication being separate from said first mode of communication, said visual image including at least the face or body of said specific player (paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej; a wireless telephone or cellphone is configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and has a biometric measurement device/camera/web cam or second communication device that is in electronic communication with a gaming server, which is located at the gamesite, via cellular or wireless connection or second mode of communication through a website over the internet so as to continuously or repeatedly monitor the visual images of a prospective game players face in order to authenticate the person attempting to interactively play games online prior to initiating game play and during game play based on biometric attributes, and it would have been obvious at the time of invention to try an implementation in which the wireless telephone communicates with the gaming server via the internet TCP/IP wired connection of the remote on-site portable player station or second mode of communication disclosed by Karmarkar since one having ordinary skill in the art would have understood that the wireless web connection or TCP/IP internet connection is configured to interface with a wired connection line so as to provide wireless communication of the wireless telephone to the internet as disclosed by Veradej).

Veradej suggests that a system that provides interactive or online gaming from a remote location and verifies the age of a player during and prior to game play will enable game players to play more frequently by reducing travel to a casino while ensuring that legal age restrictions for gambling are upheld (paragraphs 0003-0004, Veradej).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Karmarkar in view of the teachings of Veradej for the purpose of providing the gaming device of Karmarkar having a remote off-site portable player station including remote player station and a remote on-site portable player station in communication with an authentication server via different or separate TCP/IP internet connections, which are first and second modes of communication, that are interchangeable with or upgradeable to or integrable with the wireless telephone as a second communication device including a biometric measurement device in communication with a gaming server over a cellular or wireless connection as a second mode of communication via an internet website as disclosed by Veradej in order to solve the same problem as applicants by enabling more frequent game playing online while managing the legal age restrictions for gambling through a system that verifies age so as to allow online interactive gaming.

Regarding claims 1 and 7, the scope of the claims for the method of operating the system is inherent with respect to claims 23 and 37 above in view of the structure disclosed by Karmarkar and Veradej since the method is the normal and logical manner by which the system is employed.

Regarding claim 5, associating said request with a particular player account is disclosed (paragraph 0027, Veradej).

Regarding claim 8, the subsequently repeated steps are continuously performed (paragraph 0046, Veradej; a prospective players visual image is continuously monitored via web cam).

Regarding claim 9, the subsequently repeated steps are performed at regular periodic intervals (paragraph 0046, Veradej; it would have been obvious at the time of invention to try an implementation in which a prospective players visual image is periodically monitored in intervals via web cam since Karmarkar discloses continuous monitoring of the biometric information of a player in periodic intervals and because one having ordinary skill in the art would have known to segment a continuous or random signal into periodic intervals in order to monitor visual image data of player by starting and stopping collection of the video signal in intervals).

Regarding claim 10, the subsequently repeated steps are performed at random intervals (paragraph 0046, Veradej; a prospective players visual image is randomly monitored via a camera or web cam).

Regarding claims 11, 30 and 43, the personal information regarding said specific player comprises one or more visual images of the specific player (paragraph 0026, Veradej; biometric data is a visual image of a persons face).

Regarding claim 12, the at least one of said one or more visual images of the specific player is a digitized picture (paragraphs 0026 and 0046, Veradej; biometric data is a visual image of a person via a web cam that generates a digital picture of the person).

Regarding claim 13, the at least one of said one or more visual images of the specific player is a visual image created after said receiving step (paragraphs 0026 and 0046, Veradej; it would have been obvious at the time of invention to try an implementation in which a prospective players facial visual image is generated from the

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wireless telephone and biometric measurement device after the player has requested to participate in game play by initiating communication with the game server from the remote portable player station disclosed in Karmarkar since a request to initiate play would be a logical step to proceed with before verification or authentication of the player's facial image occurs prior to or during game play).

Regarding claim 14, the at least one of said one or more visual images of the specific player is a live visual image (paragraph 0046, Veradej; continuous monitoring via a web cam of a prospective player generates a live visual image of the prospective player).

Regarding claims 19, 20, 36 and 49, the personal information regarding said specific player comprises one or more visual images of the specific player transmitted via said cellular telephone call and taken by a camera built into the cellular phone used for the cellular telephone call (paragraphs 0024-0026 and 0046, Veradej; visual images are transmitted via a wireless telephone connection between a game server and a player's wireless telephone including an integrated camera or web camera).

Regarding claim 21, Karmakar teaches subsequently repeated steps of:

verifying that said updated visual image of the specific player is adequate according to at least one of said one or more acceptable criteria (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53, Karmarkar); and

permitting said at least one particular gaming event to continue (column 7, line 64 to column 8, line 19, column 9, lines 4-21, Karmarkar).

However, Karmarkar does not appear to teach updating visual images of the player via a cellular telephone as claimed. Therefore, attention is directed to Verdej, which teaches

obtaining an updated visual image of the specific player via a cellular telephone call (paragraphs 0024-0026 and 0046, Veradej);

Regarding claims 22, 31 and 44, the personal information regarding said specific player comprises one or more voice samples of the specific player (paragraph 0026, Veradej).

Regarding claims 28 and 41, the player verification program is adapted to verify multiple submissions of personal information regarding a specific player during the progress of or between one or more gaming events (paragraph 0046, Veradej).

Regarding claims 29 and 42, the player verification program is adapted to require continuous additional submissions of personal information regarding a specific player during the progress of or between one or more gaming events (paragraph 0046, Veradej).

Claims 2-4, 6, 15-18, 24, 26-27, 32-35, 38-40, 45-48 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Veradej, and further in view of Steelberg et al. (US Patent Application Publication 2003/0139190; hereinafter Steelberg). Features are described by figures with reference characters where necessary for clarity.

Karmarkar alone or in combination with Veradej teaches features of the claimed invention as described above.

However, Karmarkar alone or in combination with Veradej does not appear to teach a player verification program that receives an authorization signal from a third

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party player authentication center as claimed. Therefore, attention is directed to Steelberg, which teaches

Regarding claims 24 and 38, the player verification program is adapted to receive an authorization signal from a third party player authentication center (paragraphs 0041 and 0059 and Fig. 2, 10 and 30, Steelberg; the regional broadcast station is a third party player authentication center since approval of the player's registration takes place via the broadcast station by the data source).

Steelberg suggests that a device that communicates with RF enabled devices spread over a relatively large area and that differentiates the physical location of RF devices will eliminate the problem of burdensome pre-selection of frequencies for widespread audiences and provide differentiation between authorized and unauthorized participation gaming for users in specific physical locations (paragraphs 0003-0008, Steelberg).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Karmarkar in view of the teachings of Veradej, and further in view of the teachings of Steelberg for the purpose of exchanging the interchangeable or upgradeable server, remote player station and wireless telephone features disclosed by Karmarkar alone or in combination with Veradej with the player verification of authorization signals from a third party authentication center as disclosed by Steelberg in order to eliminate burdensome pre-selection of frequencies for widespread audiences and provide differentiation between authorized and unauthorized participation gaming for users in specific physical locations.

Regarding claims 2, 26 and 39, at least one of said one or more remote electronic gaming devices / terminals comprises a gaming machine having a master gaming controller (paragraph 0068, Steelberg; a remote gaming device, once activated, controls the real-time gaming event).

Regarding claims 27 and 40, the at least one computer server / electronic device is adapted to deny the initiation or continuation of a particular gaming event when said player verification program determines that any obtained personal information is inadequate (paragraph 0059, Steelberg; the network node allows the player to continue with a gaming event only after approval or verification of player registration, otherwise continuation of the gaming event is inherently denied).

Regarding claims 15, 32 and 45, the personal information regarding said specific player comprises a current geographic location of the specific player (paragraphs 0054-0055, 0061 and 0065-0067, Steelberg).

Regarding claims 16, 33 and 46, the current geographic location of the specific player is determined by a global positioning system (paragraphs 0054-0055 and 0065-0067, Steelberg).

Regarding claims 17, 34 and 47, the current geographic location of the specific player is determined by a cellular telephone network (paragraphs 0043-0044, Steelberg; broadcast radio signals are made via a cellular telephone network to determine or cover the regional geographic area in which the player's remote gaming device is located).

Regarding claims 18, 35 and 48, the second mode of communication comprises a cellular telephone call (paragraphs 0043-0044, Steelberg).

Regarding claim 50, at least one database contains specific personal information data with respect to a plurality of players (paragraph 0075, Steelberg; data is exported from the device reader memory being a database for storing the players data).

Regarding claim 51, the player verification program is adapted to compare personal information regarding a specific player obtained at said remote gaming terminal to specific personal information data corresponding to that specific player that is contained within said at least one database (paragraph 0075, Steelberg; player data stored on the device reader database memory is verified against data stored centrally at the data source from the remote gaming device).

Regarding claim 52, access to a gaming event is denied or restricted with respect to said specific player due to an implemented harm minimization measure (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented based on game parameter verification).

Regarding claim 53, the system is adapted to provide one or more harm minimization measures at said remote gaming terminal (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented upon verification of game play initiated from the remote gaming device by storing data at the data source with device reader memory data).

Regarding claim 3, the obtaining step occurs after said receiving step (paragraphs 0057, Steelberg; the player or consumer initiates a request so as to register and participate in a game via purchase of the remote gaming device before the player provides the device reader with player information).

Regarding claim 4, the obtaining step and said receiving step occur simultaneously (paragraphs 0057, Steelberg; initiation of registration and provision of

the player information also occur at the device reader).

Regarding claim 6, determining whether said specific player is authorized to participate in said at least one particular gaming event is disclosed (paragraphs 0057-0058, Steelberg).

Response to Arguments

Applicants' arguments filed in the Response dated 10/17/2008 directed to the Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are unpersuasive in light of the evidence disclosed in the Karmarkar, Veradej and Steelberg references and in view of applicants' arguments thereof.

Regarding applicants' arguments concerning claims 1-53 rejected as unpatentable or obvious under 35 U.S.C. § 103(a):

Applicants argue that Verdej does not teach a first and second mode of communication. At the outset, Examiner submits that it is not a requirement of obviousness under 35 U.S.C. § 103(a) that all references contain all features of the claimed invention nor that the features of all references be the same as those of the claimed invention in order to render the invention obvious to one of ordinary skill in the art at the time of invention when viewing the subject matter as a whole (See MPEP 2144.08 II., A. 2.; See also *Stratoflex, Inc. v. Aeroquip Corp.*, 218 USPQ 871, 877 (Fed. Cir. 1983)). It is only necessary that each of the features of the invention is disclosed in all references with motivation or suggestion to combine those references to produce the claimed invention. Therefore, applicants' arguments with respect to the rejections under

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35 U.S.C. § 103(a) stating that Verdej does not teach or suggest a first and second mode of communication are moot since the features are disclosed in the combination of Karmarkar and Verdej (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53 and Fig. 1, 34, 42, 50, 52, 54, Karmarkar; see also paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej).

Examiner continues to submit that Karmarkar teaches a remote off-site portable player station (first communication device), which is located offsite from the casino, via a wired connection (first mode of communication) and a remote on-site portable player station, which is located onsite from the casino, via a different wired connection (second mode of communication) in communication with an accounting server or over the internet (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53 and Fig. 1, 34, 42, 50, 52, 54, Karmarkar). Examiner further continues to submit that Verdej teaches a wireless telephone or cellphone configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and having a biometric measurement device/camera/web cam (second communication device) that is in electronic communication with a gaming server, which is located at the gamesite, via cellular or wireless connection (second mode of communication) through a website over the internet, and it would have been obvious at the time of invention to try an implementation in which the wireless telephone communicates with the gaming server via the internet TCP/IP wired connection (second mode of communication) of the remote on-site portable player station disclosed by Karmarkar since one having ordinary skill in the art would have understood that the

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wireless web connection or TCP/IP internet connection is configured to interface with a wired connection line so as to provide wireless communication of the wireless telephone to the internet as disclosed by Veradej (paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej).

Further, it would have been obvious at the time of invention to integrate a wireless telephone or cellphone included in a personal computer/laptop, similar to a remote on-site portable player station of Karmarkar, and having a biometric measurement device/camera/web cam (second communication device) that is in electronic communication with a gaming server via a cellular or wireless connection (second mode of communication) through an internet website as disclosed by Veradej into the remote on-site portable player station communicating with an accounting server via a different wired connection (second mode of communication) over the internet so as to function separately and concurrently with a remote off-site portable player station (first communication device) communicating with the accounting server via a wired connection (first mode of communication) based on the court decision in *In re Larson*, which states that if a fluid transporting vehicle differs from the prior by merely by making a brake drum integral with a clamping means, wherein the prior art provided a brake disc and clamp in several rigidly secured together parts in a single unit, then it would be an obvious engineering choice to use a single piece construction instead of a structure rigidly secured together in a single unit as disclosed in the prior art (See MPEP 2144.04, V. B. Making Integral; see also *In re Larson*, 144 USPQ 347, 349 (CCPA 1965)).

Applicants argue that Verdej does not teach a second communication device.

Examiner continues to submit that Verdej teaches a wireless telephone or cellphone configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and having a biometric measurement device/camera/web cam (second communication device) that is in electronic communication with a gaming server, which is located at the gamesite, via cellular or wireless connection (second mode of communication) through a website over the internet (paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej).

Applicants argue that Verdej does not teach obtaining personal information via a second mode of communication during or immediately prior to play of a wagering game in which the second mode of communication is separate from the first mode of communication.

Examiner submits that since Karmarkar teaches a wired connection (first mode of communication) for a remote off-site portable player station (first communication device) and a different wired connection (second mode of communication) for a remote on-site portable player station in a wagering game, and because Veradej teaches a cellular or wireless connection (second mode of communication) for a wireless telephone or cellphone that is configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station as disclosed by Karmarkar and to have a biometric measurement device/camera/web cam (second communication device) in order to interface with a wired connection line so as

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to provide wireless communication, the combination of Karmarkar and Veradej teaches a device configured to obtain personal information of a player via the different wired connection (second mode of communication) of Karmarkar from the wired connection (first mode of communication) for a remote off-site portable player station (first communication device) of Karmarkar using the web cam integrated in the personal computer/laptop of Verdej or remote on-site portable player station of Karmarkar (second communication device) so as to continuously or repeatedly monitor the visual images of a prospective game players face in order to authenticate the person attempting to interactively play games online prior to initiating game play and during game play (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53 and Fig. 1, 34, 42, 50, 52, 54, Karmarkar; see also paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej).

Applicants argue that Examiner relies upon hindsight with respect to Veradej when stating that it would have been an obvious design choice to utilize a wireless web connection or TCP/IP internet connection based on both modes of communication working equally as well as the other.

Examiner clarifies and submits that it would have been obvious at the time of invention to try an implementation in which the wireless telephone communicates with the gaming server via the internet TCP/IP wired connection (second mode of communication) of the remote on-site portable player station disclosed by Karmarkar since one having ordinary skill in the art would have understood that the wireless web

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connection or TCP/IP internet connection is configured to interface with a wired connection line so as to provide wireless communication of the wireless telephone to the internet as disclosed by Veradej (paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej).

Consequently, applicants' arguments have been deemed to be unpersuasive in light of the evidence disclosed in the Karmarkar and Veradej references, but also with respect to the Steelberg reference and in light of applicants' arguments thereof. Hence, Examiner maintains the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Non-final Office Action dated 7/9/2008 because each of the features of applicants' claimed invention continues to be unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A US-5,742,905, Pepe et al.

B US-5,509,053, Gowda et al.

C US-5,475,738, Penzias

D US-5,459,458, Richardson et al.

E US-5,128,980, Choi

F US-5,473,671, Partridge, III

G US-4,481,670, Freeburg.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ARTHUR O. HALL** whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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